

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s):	Michael Gauselmann		
Assignee:	Atronic International GmbH		
Title:	Gaming Machine With Player-Selected Hidden Bonus Awards And Displayed Possible Awards		
Serial No.:	10/716,242	Filing Date:	November 17, 2003
Examiner:	Robert Pezzuto	Group Art Unit:	3714
Docket No.:	ATR-A-102-3P	Conf. no.:	611

San Jose, California
March 20, 2008

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Commissioner:

The examiner, Travis Banta, for this case seems to have left the PTO, and his supervisor, Robert Pezzuto, has taken over as examiner.

Applicant requests review of Mr. Banta's final office action rejection, dated December 21, 2007. In the final office action, on page 3, Mr. Banta acknowledged that the cited art (Hugh-Baird) does not disclose a certain key feature of Claim 1, then stated the missing claim element was obvious. The rejection stems from a misinterpretation of Claim 1. Since the missing element is a major departure from the cited art, there could be no suggestion of it in the prior art, when Claim 1 is properly interpreted.

Brief Description of An Embodiment of the Invention To Aid

Understanding of Claim 1

In a secondary game played on a video slot machine, the player is presented with a 4x4 matrix of icons (shown in Figs. 3-5 reproduced below), where each icon represents a hidden credit award. The matrix of icons is shown by the boxes in Figs. 3-5. Importantly, the player is also shown, on a separate part of the screen, the elements themselves that are hidden behind the icons, but the particular element behind each icon remains unknown to the player.

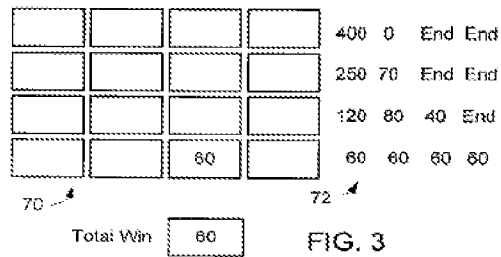


FIG. 3

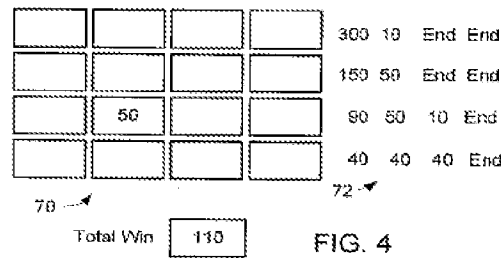


FIG. 4

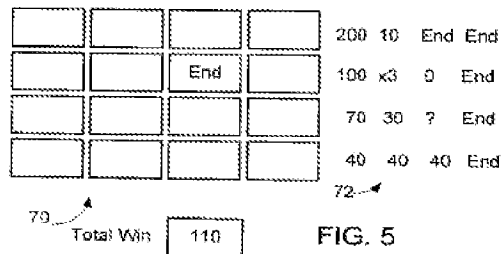


FIG. 5

In Figs. 3-5, the displayed elements are on the right side of the matrix of icons, and the displayed elements next to an associated row of the icons are those elements hidden by the icons in that row, but in a random order. The player then selects one of the icons in a row, and the hidden element behind the icon is revealed. Selecting an “End” element ends the game. The player uses a risk vs. reward strategy in selecting icons in particular rows to try to get the most number of credits before selecting an “End” element.

For example, Fig. 3 illustrates an initial display after the player chose an icon in the bottom row, since a 60 credit award was guaranteed in that row. The displayed elements to the right of the bottom row of icons did not include any “End” elements, but indicated to the player that each icon in the bottom row was hiding a 60 credit award, so the player was safe in selecting an icon in the bottom row.

After each selection, the elements behind the icons and the displayed elements change, as shown in Figs. 4 and 5. In the embodiment shown, the average value of the hidden elements goes down after each selection, so the player has an incentive to take a higher risk to try to select a high credit award. Fig. 4 illustrates that the player chose an icon that granted a

50 credit award. Fig. 5 shows the resulting display for the next round, with even lower values. In the round represented by Fig. 5, the player selected an icon that revealed an “End” element, which ends the game.

As seen, displaying the elements to the player separately from the icons and changing the elements after a selection creates a two-prong strategic aspect of the game. If the game involved the player simply selecting icons representing hidden awards, without any prior display of the elements in a separate area, the result of the game would be 100% luck. Appellant’s game involves a risk vs. reward strategy, which is much more interesting to the player.

Claim 1 recites:

1. A gaming method comprising:

conducting a main game, the main game having a plurality of possible outcomes, at least one of the outcomes enabling a secondary game;

after the main game generates said at least one of the outcomes, enabling the secondary game, the secondary game comprising:

displaying a plurality of icons to a player, each icon representing an unknown element that may be selected by a player;

concurrently with displaying the plurality of icons, displaying the elements to a player, before an icon is selected by the player, without identifying which icons are associated with the elements, where the elements are displayed separated from the icons;

receiving player selection signals conveying a selection of at least one of the icons; and

changing at least one of the displayed elements after the player has selected at least one of the icons.

Independent Claim 20 has similar limitations. The dependent claims add limitations relating to particular embodiments of the invention, such as shown in Figs. 3-5.

Rejection of Claims and Arguments for Allowance

Claims 1-21 are pending. Claims 1 and 20 are independent and have similar limitations.

The examiner rejected Claims 1- 21 as being obvious over Hugh-Baird (US 6,439,995).

In Hughs-Baird, only a matrix of icons representing hidden elements are displayed to the player until the player selects one of the icons (e.g., see Fig. 1 and col. 6, lines 47-54). In contrast to Appellant's Claim 1, the elements represented by the icons are not displayed concurrently with the icons before an icon is selected by the player. Only after an icon is chosen, is the element revealed.

On page 3 of the final office action, the examiner acknowledged that Hughs-Baird did not disclose that elements are displayed separately from the icons. The examiner then appears to construe Appellant's claims to encompass a hidden element being revealed after its icon is selected by the player, since the revealed element after player selection is separate from the icon that previously hid the element. The examiner stated the following:

Hughs-Baird fails to disclose the elements displayed separately from the icons. However, one of ordinary skill in the art would recognize that it would be necessary to display elements separately from icons to enable the basic functions of the game. It would therefore be obvious to one of ordinary skill in the art at the time of the invention to separate the elements from the icons to enable users to pick an unknown element from an icon.

As best as can be understood from the examiner's comment above, the examiner is of the opinion that an actual video embodiment of Hughs-Baird would require the displayed revealed element (revealed after selection of an icon) to be separate from its icon after the icon was selected by the player.

It is respectfully submitted that the examiner is misconstruing Claim 1 when trying to read it on an actual embodiment of Hughs-Baird. In Claim 1, a plurality of icons are displayed to a player, "each icon representing an unknown element that may be selected by a player." Additionally in Claim 1, the elements are concurrently and separately displayed to the player "before an icon is selected by the player, without identifying which icons are associated with the elements." In Hughs-Baird, only when an icon is selected is the hidden

element revealed. Therefore, in Hughs-Baird, the player does not know the elements before the icons are selected, in contrast to Claim 1.

Further, in Hughs-Baird, there could be no changing of the displayed elements after the player has selected at least one of the icons, as recited in Claim 1, since no elements are displayed or changed.

Claim 20 has limitations similar to Claim 1.

Given that the two-prong strategic aspect of Claims 1 and 20 is not suggested by Hughs-Baird, all claims are respectfully submitted to be allowable over Hughs-Baird.

The dependent claims are believed to be allowable for at least the reasons for why the independent claims are allowable.

Should the examiner have any questions, please call the undersigned at (408) 382-0480 x202.

Certificate of Electronic Transmission
I hereby certify that this correspondence is being submitted electronically to the United States Patent and Trademark Office using EFS-Web on the date shown below.

/Brian D Ogonowsky/
Attorney for Applicant(s)

March 20, 2008
Date of Signature

Respectfully submitted,

/Brian D Ogonowsky/

Brian D. Ogonowsky
Attorney for Applicant(s)
Reg. No. 31,988

Patent Law Group LLP
2635 N. First St.
Suite 223
San Jose, CA 95134
Tel (408) 382-0480 x202
Fax (408) 382-0481